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Supreme Court, U.S.
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IN THE

SUPREME COURT OF THE UNITED STATES

BILLY BOB WILLIAMS ET UX: PETITIONERS:

VS.

DR. DWIGHT DILL ET AL: RESPONDENTS:

ADDENDUM COPY TO,

APPLICATION FOR WRIT OF CERTIORARI.

TITLE 28, SECTION 2403: MAYBE APPLICABLE.

FROM THE UNITED STATES COURT OF APPEALS:

FIFTH CIRCUIT.

NEW ORLEANS, LOUISIANA.

CASE NO. S - 71 -2448

ROSEMARY WILLIAMS

1608 GARDENSIDE DR.

DALLAS, TEXAS 75217

COUNSEL FOR PETITIONERS:

JURISDICTION ON WRIT OF CERTIORARI.

THIS CASE WAS REMOVED FROM THE COURT OF CIVIL APPEALS, SIXTH SUPREME JUDICIAL DISTRICT, TEXARKANA TEXAS. IF THIS CASE WAS NOT REMOVABLE UNDER TITLE 28 SEC. 1446; "IT IS A CASE WHICH HAS BECOME REMOVABLE, UNDER TITLE 28 SEC. 1443: STATE OFFICIALS DENYING PETITIONERS CIVIL RIGHTS, (1.) STATE OFFICIALS OBSTRUCTING JUSTICE AND CONSPIRING TO "ILLEGALLY DEPRIVE THESE PETITIONERS OF THEIR PROPERTY RIGHTS. "DUE PROCESS OF LAW." "EQUAL PROTECTION OF LAW." AND THIS IS BEING DISCRIMINATORY TO THE 14 TH. AMENDMENT.

THERE WERE "INDISPENSABLE PARTIES," "DIVERSITY OF CITIZENSHIP," "CONTROVERSY OF COSTS." THESE INDISPENSABLE PARTIES WERE NOT PRESENT TO CLAIM TITLE IF ANY, THAT ARE IN POSSESSION OF THIS LAND AND THIS IS IN CONFLICT TO THE DECESION THE U. S. COURT OF APPEALS, FIFTH CIRCUIT, NEW ORLEANS, LOUISIANA. HAS PREVIOUSLY MADE ON PAGE 8 and 9. OF WRIT OF CERTIORARI. THE UNITED STATES COURT OF CIVIL APPEALS, HAS DECEIDED A FEDERAL QUESTION IN A WAY IN CONFLICT WITH APPLICABLE DECESION OF THIS COURT, AND HAS SO FAR DEPARTED FROM THE ACCEPTED

AND USUAL COURCE OF JUDICIAL PROCEEDINGS THIS CALLS FOR AN EXERCISE OF THIS COURT'S POWER OF SUPERVISION.

SUPREME COURT OF THE UNITED STATES.

(JURISDICTION.)

(1.) TITLE 28 SECTION 1251;

(2) TITLE 28 SECTION 1254;

(3.) TITLE 42 SECTION 1985;

UNITED STATES DISTRICT COURT

(JURISDICTION.)

(1.) TITLE 28 SECTION 1331;

(2.) TITLE 28 SECTION 1332;

(3.) TITLE 28 SECTION 1343;

(4.) TITLE 28 SECTION 1443;

(5.) TITLE 28 SECTION 1446;

THIS COMES UNDER UNITED STATES COURT JURISDICTION AND NOT STATE JURISDICTION. AND IS REPUGNANT TO THE UNITED STATES CONSTITUTION. 14 TH AMENDMENT. "DUE PROCESS OF LAW." "EQUAL PROTECTION OF LAW." THIS INVOLVES STATE OFFICIALS OBSTRUCTING JUSTICE, THIS IS STATE OFFICIALS "ILLEGALLY CONSPIRING TO DEPRIVE THESE PETITIONERS OF THEIR PROPERTY RIGHTS." THIS IS UNCONSTITUTIONAL.

IN THE

SUPREME COURT OF THE UNITED STATES

THIS IS A APPENDED COPY TO BE ATTACHED TO THE WRIT OF CERTIORARI.

TITLE 28 SECTION 2403? U.S.C.A. MAY BE APPLICABLE AND SHALL BE SERVED UPON THE SOLICTOR GENERAL, JUSTICE DEPT. WASHINGTON, D.C. THIS CONSTITUTIONALLITY OF ACT OF CONGRESS AFFECTING THE PUBLIC INTEREST, IS DRAWN IN QUESTION?

THE AFFIDAVIT AND MAPS IN THE ADDENDUM OF WRIT OF CERTIORARI, VERY WELL AFFECTS THE PUBLIC, AND THE PUBLIC RECORDS, OF WOOD COUNTY, TEXAS. 100 VARAS OF LAND HAS BEEN TAKEN OUT OF THE SAM HOUSTON SURVEY, AND ADDED TO THE S.T. ALPINE SURVEY, THIS AFFECTS THE PUBLIC IN AS MUCH AS THE PUBLIC RECORDS, HAVE BEEN TAMPERED WITH, THIS IS A REGISTERED SURVEYOR, WITH THE STATE OF TEXAS. THAT HAS MADE A FALSE SURVEY TO THE PUBLIC. SURVEYOR W.A. MORRISSON, J.R. THIS IS "FUNDAMENTAL ERROR." AND COMES UNDER TITLE 28, SECTION 2403: THIS DR. DILL CLAIMED UNDER THE STATUTES OF THE STATE OF TEXAS, UNDER A FALSE SURVEY. TO WHICH THE PUBLIC WAS NOT AWARE.

Rosemary Williams

ROSEMARY WILLIAMS
1608 GARDENSIDE DR.
DALLAS, TEXAS 75217

RESPECTFULLY SUBMITTED,

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED THAT SERVICE OF THIS APPENDED COPY TO WRIT OF CERTIORARI, HAS BEEN MADE THIS DAY OF DECEMBER 10th, 1971., ON OPPOSING ATTORNEYS OF RESPONDENTS,

M. D. CARLOCK
P.O. BOX 151
WINNSBORO, TEXAS

JOHN M. SMITH
P.O. DRAWER 2072
LONGVIEW, TEXAS

BY DEPOISTING IN AN ENVELOPE, CERTIFIED RETURN RECEIPT REQUESTED, WITH POSTAGE PREPAID, PROPERLY ADDRESSED TO THE ATTORNEYS, M.D. CARLOCK AND JOHN M. SMITH, DEPOISTING THE SAME IN THE UNITED STATES MAIL.

NO. 12,763 CONSOLIDATED

EMORY DWIGHT DILL, ET AL	I	IN THE DISTRICT COURT
VS.	I	OF WOOD COUNTY, TEXAS
BILLY BOB WILLIAMS, ET AL	I	115TH JUDICIAL DISTRICT

JUDGMENT

On the 23rd day of November, 1970, there came on for trial the above styled and numbered cause wherein Emory Dwight Dill, who is one and the same person as Dwight Dill, and Robert P. Dill were plaintiffs and Billy Bob Williams and Rosemary Williams were defendants.

The Plaintiff, Emory Dwight Dill appeared in person and through his attorneys of record and the Plaintiff, Robert P. Dill appeared through his attorneys of record and announced ready for trial. The Defendants Billy Bob Williams and Rosemary Williams appeared in person, announced ready for trial and announced that they would represent themselves, whereupon the jury, good and lawful men and women who, being duly empaneled and sworn and having heard the pleadings and evidence and the argument of counsel rendered their verdict on their oath as follows:

SPECIAL ISSUE NO. 1:

Do you find from a preponderance of the evidence that Emory Dwight Dill and Robert P. Dill and those under whom they hold, either in person or through a tenant or tenants or some person holding for them, held peaceable and adverse possession as that term has been defined herein of the land depicted on Plaintiff's Exhibit No. 28, cultivating, using or enjoying the

same for any period of ten consecutive years between October 30, 1936, and October 13, 1968?

Answer "yes" or "no".

ANSWER: Yes

SPECIAL ISSUE NO. 2:

Do you find from a preponderance of the evidence that Emory Dwight Dill and Robert P. Dill and those under whom they hold, either in person or through a tenant or tenants or some person holding for them, held peaceable and adverse possession as that term has been defined herein of the land depicted on Plaintiff's Exhibit No. 28, cultivating, using or enjoying the same, and paying taxes thereon and claimin under a deed or deeds duly registered for any period of five consecutive years between October 30, 1936, and October 13, 1968?

Answer "yes" or "no."

ANSWER: Yes

SPECIAL ISSUE NO. 3:

Do you find from a preponderance of the evidence that Emory Dwight Dill and Robert P. Dill and those under whom they hold, either in person or through a tenant or tenants or some person holding for them have held peaceable and adverse possession of the tract depicted on Plaintiff's Exhibit No. 28 for any period of twenty-five consecutive years between October 30, 1936, and October 13, 1968, under a claim of right in good faith claiming under a deed or deeds or any instrument or instruments purporting to convey the same which have been recorded in the Deed Records of Wood County, Texas?

Answer "yes" or "no."

ANSWER: Yes

which said verdict was received and filed in this Court on the 25th day of November, 1970. Thereafter, plaintiffs filed a motion for judgment which was duly set for hearing on this date and upon consideration of such motion the Court is of the opinion and finds that the plaintiffs are entitled to judgment both as a matter of law and upon finding of the jury.

It is therefore ORDERED, ADJUDGED and DECREED by this Court that the Plaintiffs, Emory-Dwight Dill, who is one and the same person as Dwight Dill, and Robert P. Dill do have and recover of and from the Defendants, Billy Bob Williams and Rosemary Williams, the title and possession of and to the following described tract of land situated in Wood County, Texas, to-wit;

> Being all that certain lot, tract or parcel of land, lying and being situated in Wood County, Texas, being a part of the Sam Houston Survey, Abstract No. 270, and being more fully described as follows;
>
> BEGINNING at an old fence corner at the most Northerly North West corner of the Sam Houston Survey, Abstract No. 270, beginning point being on the EBL of the J. Delap Survey, Abstract No. 736, and being at the South West corner of the S. T. Alphin Survey, Abstract No. 23;
>
> THENCE East with a fence line running along the NBL of the Sam Houston Survey and the SBL of the S. T. Alphin Survey 1946.4 feet (700.7 vrs.) to the corner at old fence corner, same being on the WBL of a tract of land owned by F. M. Hudgins;
>
> THENCE S. 1 deg. W. with an old fence line 1202.8 feet (433 vrs.) to angle point in fence line;
>
> THENCE S. 23 deg. 30 min. W. with fence line 783.3 feet (282 vrs.) to angle point in fence;
>
> THENCE S. 57 deg. 30 min. E., running with fence line 1444.4 feet (520 vrs.) to corner at an old fence corner;
>
> THENCE S. 24 deg. W. with fence line 1719.4 feet (619 vrs.) to a concrete marker set on the North East Bank of Sabine River;
>
> THENCE up and with the meanderings of Sabine River to a concrete marker set for the most Westerly North West corner of the herein described tract of land, same being the Southwest corner of a tract of land formerly owned by Deen and Hanson;
>
> THENCE N. 89 deg. E. with the remains of an old fence line 1333.3 feet (480 vrs.) to a concrete marker set at an old fence corner, being an Ell corner of the herein described tract of land and being the South East corner of above mentioned tract of land formerly owned by Deen and Hanson;
>
> THENCE North with an old fence line 819.4 feet (295 vrs.) to the place of beginning, containing one hundred and fifty (150) acres of land, more or less.

It is further ORDERED, ADJUDGED and DECREED that the Plaintiffs hereinabove named shall have and there shall be issued for and on their behalf a writ of possession.

It is ordered that all cost incurred herein shall be assessed against the Defendants, Billy Bob Williams and Rosemary Williams for the collection of which execution shall issue.

PRONOUNCED, ENTERED and RENDERED this the 31 day of December, 1970.

Leon E. Lindsey

JUDGE, 115TH JUDICIAL DISTRICT
COURT OF WOOD COUNTY, TEXAS

IN THE UNITED STATES DISTRICT COURT
OF THE NORTHERN DISTRICT OF TEXAS.
DALLAS, DIVISION.
CIVIL ACTION, FILE NO. CA-3-4811- A.

BILLY BOB WILLIAMS ET UX: PETITIONERS:	X	"PETITION FOR REMOVAL"
V.	X	FROM THE COURT OF CIVIL APPEALS
DR. DWIGHT DILL ET AL:	X	TEXARKANA, TEXAS.
RESPONDENTS:	X	

MOTION TO REMOVE
BILLY BOB WILLIAMS ET UX:
DR. DWIGHT DILL ET AL:
"IF THIS CASE WAS NOT REMOVABLE, IT IS A CASE WHICH HAS BECOME REMOVABLE UNDER TITLE 28, SECTION 1443.

BILLY BOB WILLIAMS AND ROSEMARY WILLIAMS, UPON THE BASIS OF THE FACTS STATED IN THIS MOTION OF ROSEMARY WILLIAMS, COUNSEL FOR DEFENDANTS IN THE LOWER TRIAL COURT, AND APPELLANTS IN THE COURT OF CIVIL APPEALS, SIXTH SUPREME JUDICIAL DISTRICT, TEXARKANA, TEXAS. ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES, MOVES THIS COURT TO REMOVE THIS CAUSE, FROM THE COURT OF CIVIL APPEALS. TO THE UNITED STATES DISTRICT COURT, TITLE 28, SECTION 1443. TO WHICH IT HAS BECOME REMOVABLE, PETITIONER WILL SHOW THE COURT THE FOLLOWING:

(1.) THIS CASE WAS REMOVED WITHIN THE TIME REQUIRED BY THE STATUTES OF THE UNITED STATES APPLICABLE THERETO IN THAT THE PURPORTED REMOVAL PETITION WAS FILED, WHEN THE CASE IS ONE WHICH HAS BECOME REMOVABLE. THE PETITIONERS RIGHTS HAVE BEEN DENIED THEM UNDER TITLE 28, SECTION 1443. FOR THE FACT THAT THIS EXHIBIT C. IS A TRUE AND CORRECT COPY OF THE MOTIONS FILED WITH THE COURT OF CIVIL APPEALS.

PETITIONERS CIVIL RIGHTS HAVE BEEN DENIED THEM FOR THE FACT, THE COURT OF CIVIL APPEALS WOULD NOT MAKE A RULING ON THESE MOTIONS MORE ESPECIALLY ITEM NO.(3.) NO.(5.) NO.(7.)NO. (8.) AND NO.(9.). THE COURT SHOULD HAVE RULED ON THESE MOTIONS, FOR JUSTICE OF PETITIONERS NO(3.) AND NO.(9.)WOULD PROVE THIS COURT OF CIVIL APPEALS AND THE LOWER TRIAL COURT WERE WITHOUT JURISDICTION."

THIS COURT OF CIVIL APPEALS SHOULD HAVE KNOWN THAT ITEM NO.(3.) AND NO.(9.) ARE MATTERS THAT BELONG IN THE UNITED STATES DISTRICT COURT, THAT WOULD HAVE PROPER JURISDICTION. AND THERE SHOULD NOT HAVE BEEN ANY FURTHER DELAY IN RULING ON THESE MATTERS SO THAT JUSTICE MIGHT BE DONE, TO CARRY THESE MOTIONS WITH THE CASE AS STATED IS UNNECESSARY WASTE OF TIME AND MONEY, AND THIS VIOLATES THE RIGHTS OF PETITIONERS "DUE PROCESS OF LAW". AND THERE CIVIL RIGHTS HAVE BEEN DENIED THEM IN THE STATE COURT. THIS COURT OF CIVIL APPEALS SHOULD HAVE REVERSED AND REMANDED THIS CASE TO THE LOWER TRIAL COURT TO BE FILED IN THE COURT WITH JURISDICTION. UPON THE FILING OF THE MOTIONS, MORE ESPECIALLY NO.(3.) AND NO. (9.). THIS CASE BELONGS IN THE UNITED STATES DISTRICT COURT, WITH JURISDICTION. AS PETITIONERS STATED IN THE MOTIONS TO THE COURT OF CIVIL APPEALS. THIS VIOLATES THE RIGHTS OF PETITIONERS, UNDER THE 11 TH. AMENDMENT AND THE 14 TH AMENDMENT, OF THE UNITED STATES CONSTITUTION.

THE CONSTITUTIONAL RIGHTS HAVE BEEN DENIED THESE PETITIONERS FOR THE FACT THE OFFICIAL COURT REPORTER DENIED THEM THEIR STATEMENT OF FACTS, WITH A SUFFICIENT BOND POSTED, (DOUBLE AMOUNT) FOR THE TRANSCRIPT AND THE STATEMENT OF FACTS. UNDER RULE 354, ARTICLE 2268. REVISED CIVIL STATUTES OF TEXAS.

THE CIVIL RIGHTS HAVE BEEN DENIED THE PETITIONERS UNDER TITLE 28, § SECTION 1443. FOR THE FACT THIS HIGHER COURT SHOULD HAVE BEEN ABLE TO DETERMINE BY THE EVIDENCE FILED THAT WAS SUFFICIENT FOR THEM TO MAKE A RULING, THEN AND THERE UPON RECEIVING THE MOTION AND EVIDENCE, THIS VIOLATES THE RIGHTS OF PETITIONERS, IN CARRYING THESE MOTIONS WITH THE CASE AND NOT RULING ON THIS MATTER.

FOR THE PURPOSES OF THIS UNITED STATES DISTRICT COURT: THE FOLLOWING IS QUOTED:

TITLE 28, SECTION 1443: CIVIL RIGHTS CASES:

ANY OF THE FOLLOWING CIVIL ACTIONS OR CRIMINAL PROSECUTIONS, COMMENCED IN A STATE COURT MAY BE REMOVED BY THE DEFENDANT TO THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT AND DIVISION EMBRACING THE PLACE WHEREIN IT IS PENDING:

(1.) AGAINST ANY PERSON WHO IS DENIED OR CANNOT ENFORCE IN THE COURTS OF SUCH STATE A RIGHT UNDER ANY LAW PROVIDING FOR THE EQUAL CIVIL RIGHTS OF CITIZENS OF THE UNITED STATES, OR OF ALL PERSONS WITHIN THE JURISDICTION THEREOF:

(2.) FOR ANY ACT UNDER COLOR OF AUTHORITY DERIVED FROM ANY LAW PROVIDING FOR EQUAL RIGHTS, OR FOR REFUSING TO DO ANY ACT ON THE GROUND THAT IT WOULD BE INCONSISTENT WITH SUCH LAW.

BEST AVAILABLE COPY

ATTACHED HERETO WOULD BE KNOWN HEREAFTER FOR ALL PURPOSES AS EXHIBIT C:

WHEREFORE, PREMISES CONSIDERED, BILLY BOB WILLIAMS ET UX: RESPECTFULLY MOVES THIS COURT TO REMOVE THIS CASE, AT THE EARLIEST POSSIBLE DATE. FROM THE COURT OF CIVIL APPEALS, SIXTH SUPREME JUDICIAL DISTRICT, TEXARKANA, TEXAS. THAT JUSTICE MIGHT BE DONE WITHOUT ANY FURTHER DELAY.

PETITIONERS, FURTHER PRAYS, THAT THIS COURT HAS JURISDICTION OF PETITIONERS, AND SHOULD BE REMOVED, TO THIS COURT WITH JURISDICTION. THE REMOVAL OF THIS CASE TO THIS UNITED STATES DISTRICT COURT WILL BE FOR THE CONVENIENCE OF PARTIES AND WITNESSES AND WILL PROMOTE JUSTICE, FOR THE FACT THIS CASE SHOULD BE REMOVED TO THIS COURT, "WHERE SUIT MIGHT HAVE BEEN BROUGHT." THIS IS A CASE THAT SHOULD HAVE BEEN TRIED IN THE UNITED STATES DISTRICT COURT, AND THE TRIAL COURT WAS AWARE OF THE FACT, ALSO THE COURT OF CIVIL APPEALS, SHOULD HAVE BEEN AWARE OF THE FACT WITH THE TRANSCRIPT BEFORE THEM:

(1.) "DIVERSITY OF CITIZENSHIP". THE AMOUNT OF $10,000 DOLLARS CONTROVERSY EXISTING IN CAUSE 13,020. AND THIS WAS NOT THE SAME SUBJECT MATTER, NOR THE SAME PERSONS INVOLVED..

THIS SAID CAUSE WAS FILED AS:

ROSEMARY WILLIAMS
V.
DR. DWIGHT DILL — "MISREPRESENTATIONS AND FALSE PRETENSES."

(2.)
THERE WERE "INDISPENSABLE PARTIES." NOT BEFORE THE COURT. TO DEFEND THERE TITLE, IF ANY.

THE COURT OF CIVIL APPEALS SHOULD HAVE RULED ON THESE MOTIONS SO THAT JUSTICE MIGHT PREVAIL.

THIS IS A CASE WHICH HAS BECOME REMOVABLE, IF THIS CASE WAS NOT REMOVABLE BEFORE.

Rosemary Williams
COUNSEL FOR PETITIONERS

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT I MAILED POSTAGE PREPAID, THIS 15th DAY OF JUNE, 1971. A COPY OF THE FOREGOING MOTION TO MR. HENRY H. HARBOUR, P.O. DRAWER 2077, LONGVIEW, TEXAS. AND MR. M.D. CARLOCK P.O. BOX 151, WINNSBORO, TEXAS. ATTORNEYS FOR RESPONDENTS.

Rosemary Williams
COUNSEL FOR PETITIONERS

T. C. CHADICK
CHIEF JUSTICE
MATT DAVIS
C. L. RAY, JR.
ASSOCIATE JUSTICES

Court of Civil Appeals

Sixth Supreme Judicial District
401 Texas City Hall Building
Texarkana, Texas 75501
Telephone 794-5081

(MRS.) LONNIE E. HENRY
(MISS) MARILYN MYERS
CHIEF DEPUTY
(MRS.) BONNIE O'NEAL
SECRETARY

May 18, 1971

Mrs. Rosemary Williams
1608 Gardenside
Dallas, Texas 75217

Hon. M. D. Carlock
Attorney at Law
P. O. Box 151
Winnsboro, Texas

Hon. Henry H. Harbour
Smead, Roberts, Harbour & Smith
P. O. Drawer 2072
Longview, Texas 75601

Dear Mrs. Williams and Messrs. Carlock & Harbour:

RE: NO. 8040 - BILLY BOB WILLIAMS, ET UX
Appellants, vs. DR. EMORY DWIGHT DILL,
ET AL, Appellees

Our Court of Civil Appeals has on this date entered its orders in the referenced proceeding whereby the following motions were ordered carried with the case to be disposed of upon final determination thereof:

1) Appellants' Motion for Leave to File "Abstract of Title" and Aerial Survey Map."

2) Appellants' Motion for Leave to File Motion to Dismiss for Failure of Appellee to File Brief "In True Form and Substance with Appellant."

3) Appellants' Motion for Leave to File Motion to Dismiss Absence of Indispensable Parties.

4) Appellants' Motion for Leave to File Motion for Informalities in Record.

5) Appellants' Motion for Leave to File Motion for Reversal and Remanding "Official Court Reporter Refused to Accept Cost Bond."

CLERK

6) Appellants' Motion for Leave to File Supplemental Brief Fifty-Fifth Point of Error, and Supplemental Brief Fifty-Sixth Point of Error.

7) Appellants' Motion for Leave to File Motion to Have Question Certified by Supreme Court as to Fact of Rule 354 being a Legal Statute, etc.

8) Appellants' Motion for Leave to File "Insufficiency of Evidence to Support the Judgment."

9) Appellants' Motion for Leave to File "Diversity of Citizenship."

Sincerely yours,

Lonnie E. Henry

(Mrs.) Lonnie E. Henry, CLERK

JUN 29 1971

Filed
19
JOSEPH McKENZIE, JR., Clerk
By
Deputy

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF TEXAS

DALLAS DIVISION

BILLY BOB WILLIAMS, et al.	)	
	)	
V.	)	No. CA 3-4811-A
	)	
DR. DWIGHT DILL, et al.	)	

ORDER OF REMAND

It appearing to the Court from the record in this case that this action was improperly removed under the provisions of 28 U.S.C. § 1446, and that it should be remanded to the State Court,

It is ordered that this action is hereby remanded to the Court of Civil Appeals for the Sixth Supreme Judicial District at Texarkana, Texas, and that a certified copy of this Order of Remand shall be mailed by the Clerk of this Court to the Clerk of such State Court.

The costs of removal having been paid, no execution shall issue therefor.

SIGNED and ORDERED ENTERED on June 29, 1971.

JOE E. ESTES

United States District Judge

BEST AVAILABLE COPY

IN THE

United States Court of Appeals

FOR THE FIFTH CIRCUIT

No: 71-2448

Summary Calendar*

BILLY BOB WILLIAMS, ET UX,

Plaintiffs-Appellants,

versus

DR. DWIGHT DILL, ET AL,

Defendants-Appellees.

Appeal from the United States District Court for the Northern District of Texas

---

(October 20, 1971)

Before BROWN, Chief Judge, INGRAHAM and RONEY, Circuit Judges.

PER CURIAM: AFFIRMED. See Local Rule 21.[1]

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*Rule 18, 5 Cir.; See *Isbell Enterprises, Inc. v. Citizens Casualty Co. of New York, et al.*, 5 Cir., 1970, 431 F.2d 409.

[1]See *NLRB v. Amalgamated Clothing Workers of America*, 5 Cir., 1970, 430 F. 2d 966.

Adm. Office, U.S. Courts—Scofields' Quality Printers, Inc., N. O., La.

IN THE

United States Court of Appeals

FOR THE FIFTH CIRCUIT

No. 71-2448

BILLY BOB WILLIAMS, ET UX,
Plaintiffs-Appellants,

versus

DR. DWIGHT DILL, ET AL,
Defendants-Appellees.

Appeal from the United States District Court for the Northern District of Texas

---

ON PETITION FOR REHEARING AND PETITION FOR REHEARING EN BANC
(Opinion Oct. 20, 1971, 5 Cir., 1971, _____ F2d _____).

(November 16, 1971)

Before BROWN, Chief Judge, INGRAHAM and RONEY, Circuit Judges.

PER CURIAM: The Petition for Rehearing is DENIED and no member of this panel nor Judge in regu-

lar active service on the Court having requested that the Court be polled on rehearing en banc, (Rule 35 Federal Rules of Appellate Procedure; Local Fifth Circuit Rule 12) the Petition for Rehearing En Banc is DENIED.

Adm. Office, U.S. Courts—Scofields' Quality Printers, Inc., N. O., La.

United States Court of Appeals

FOR THE FIFTH CIRCUIT

October Term, 1971

No. 71-2448
Summary Calendar

D. C. Docket No. CA 3-4811

BILLY BOB WILLIAMS, ET UX,

Plaintiffs-Appellants,

versus

DR. DWIGHT DILL, ET AL.,

Defendants-Appellees.

Appeal from the United States District Court for the
Northern District of Texas

Before BROWN, Chief Judge, INGRAHAM and RONEY, Circuit Judges.

J U D G M E N T

This cause came on to be heard on the transcript of the record from the United States District Court for the Northern District of Texas, and was taken under submission by the Court upon the record and briefs on file, pursuant to rule 18;

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said District Court in this cause be, and the same is hereby, affirmed;

It is further ordered that plaintiffs-appellants pay to defendants-appellees, the costs on appeal to be taxed by the Clerk of this Court.

October 20, 1971

Issued As Mandate:

United States Court of Appeals

FIFTH CIRCUIT

EDWARD W. WADSWORTH
CLERK

OFFICE OF THE CLERK

ROOM 408-600 ROYAL ST.
NEW ORLEANS, LA. 70130

November 24, 1971

Miss Rosemary Williams
1608 Gardenside Drive
Dallas, Texas 75217

No. 71-2448 - Billy Bob Williams, et ux vs. Dr. Dwight Dill, et al.

MANDATE STAYED TO: December 24, 1971

Dear Sir:

The court has this day granted a stay of the issuance of the mandate to the date as shown above. If during the period of the stay there is filed with the clerk of this court a notice from the clerk of the Supreme Court that the party who has obtained the stay has filed a petition for the writ in that court, the stay shall continue until final disposition by the Supreme Court. Upon the filing of a copy of an order of the Supreme Court denying the petition for writ of certiorari the mandate shall issue immediately under Rule 41, FRAP.

Under revised Rule 21(1) of the Supreme Court effective July 1, 1970, a record is no longer required in connection with an application for writ of certiorari, and therefore will not be routinely prepared by this office (38LW 3502).

Enclosed is a copy of the opinion, judgment and order denying rehearing which are still required by the Supreme Court to be incorporated as an appendix to your petition.

Very truly yours,

EDWARD W. WADSWORTH, Clerk

By Claudette Stelly
Deputy Clerk

enc.
cc: Messrs. Henry H. Harbour
John M. Smith
Mr. M. D. Carlock